

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

Blue Spike, LLC,

Plaintiff,

v.

Texas Instruments, Inc., et al.,

Defendants.

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

Blue Spike, LLC,

Plaintiff,

v.

NEC Corporation of America, et al.,

Defendants.

CASE NO. 6:12-cv-690 MHS

CONSOLIDATED CASE

Jury Trial Demanded

AGREED MOTION TO DISMISS WITH PREJUDICE
DEFENDANTS NEC CORPORATION OF AMERICA AND NEC CORPORATION

Plaintiff Blue Spike, LLC, on the one hand, and defendants NEC Corporation of America and NEC Corporation, on the other, have reached a settlement of the above-captioned matter and have agreed to dismiss all claims, counterclaims, and causes of action between them.

Accordingly, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Blue Spike, LLC stipulates to the dismissal with prejudice of all claims and causes of action asserted in this case against defendants NEC Corporation of America and NEC Corporation, and defendants NEC Corporation of America and NEC Corporation stipulate to the dismissal with prejudice of all counterclaims and defenses asserted in this case against Blue Spike, LLC. The parties shall bear their own attorneys' fees, expenses and costs.

Respectfully submitted,

/s/ Randall T. Garteiser

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**ATTORNEYS FOR DEFENDANT NEC
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CORPORATION**

Certificate of Service

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Federal Rule of Civil Procedure 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on February 28, 2013.

/s/ Randall T. Garteiser

Certificate of Conference

I certify that on behalf of Blue Spike, LLC, I have met and conferred with counsel for Defendant on February 26, 2013 regarding the relief requested herein. Counsel for Defendant has agreed to this motion.

/s/ Randall T. Gartieser